HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 472 OF 2007

DATE: 06.03.2007

Between:

T.T.C.S Kothirampur of Karimnagar.

…Petitioner

AND

1. The Commissioner, Prohibition and Excise, Hyderabad andthree others.

….Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 472 OF 2007

ORAL ORDER:

Petitioner questions the order of the Commissioner of Prohibition and Excise, Hyderabad dated 22.6.2006, wherein the first respondent rejected the request of the petitioner to establish a toddy shop in respect of the newly sanctioned TCS Kothirampur, Karimnagar Town and District, on the ground that the petitioner insisting upon for issuance of TCS licence for old premises, which falls within 2 kms from the existing TCS in Kothirampur, Karimnagar Town, which is objectionable under the Rules.

The learned counsel appearing for the petitioner submits that the Prohibition and Excise Superintendent vide his proceedings dated 24.2.2005 submitted a report to the Commissioner of Prohibition and Excise, Hyderabad recommending the sanction of new TCS at Kothi Rampoor area back side of water tank, Karimnagar Municipality, stating that 12 applicants fulfilled all the required conditions for sanction of new TCS shop and there are sufficient number of trees and 600 Sendhi are available at Miyapur tope of Sultanabad Mandal, which are within the distance of 50 Kms from the proposed shop and the proposed toddy shop is 2 Kms away from existing TCS toddy shops. It is further stated that in view of the guidelines of the Toddy Policy for the year 2004-05, a New TCS shop at Kothi Rampoor area back side of water tank, Karimnagar shall be recommended to be sanctioned on the annual rental of Rs. 16,500/-. The said proposals have been accepted by the Commissioner of Police, Excise, Andhra Pradesh, Hyderabad vide proceedings in Cr.No. 1475/05/CPE/E4 dated 7.4.2005 and accorded permission for sanction of new toddy shop under TCS Scheme for the year 2004-05 in respect of Kothi Rampoor area and the Excise superintendent, Karimnagar District was directed to take further action in the matter. It is stated that questioning the said sanction of new TCS in favour of the petitioner, Writ Petition No. 10831 of 2005 was filed by the Primary Tapers cooperative Society, Karimnagar. In that Writ Petition, it is alleged by the petitioner that the sanctioning of new shop in Kothirampur is in violation of Policy of the Government since the proposed premises is within 2 Kms from the Toddy Tapers Cooperative Society, Karimnagar Group No. 3. It is further stated that an enquiry is initiated, and pending enquiry it is revealed that the proposed premises in S.No. 875 and 876 for establishment of Toddy Shop at Kothirampur backside of water tank is falling within 2 Kms from gowthami Nagar and Dhobiwada existing shops of Karimnagar and therefore, the petitioner was asked to select any suitable premises for establishment of Toddy Shop at

Kothirampur area on 23.4.2005. As per Clause 8 (b) of the Toddy Policy guidelines of the Government vide G.O.Ms.No. 757, dated 29.9.2004 that while sanctioning the new TCS, it shall be considered that a minimum distance of 2 kms to an already existing shop shall be observed while establishing a new toddy shop. Therefore, the petitioner has to select a shop outside 2 Kms area of the existing shop of Gowthami Nagar and Dhobiwada.

It further stated that the petitioner instead of selecting the premises 2 Kms away from the existing shops, filed the Writ Petition, therefore, the request of the petitioner was forwarded to the Commissioner to reject his request to establish a newly sanctioned shop at old premises and accordingly, the Commissioner passed the impugned order rejecting the newly sanctioned shop of TCS at old premises.

The learned counsel appearing for the petitioner submits that he prepared to select a premises out side 2 Kms or 2 kms away from the existing Toddy Shops in Kothirampuram, Gowthaminagar and Dhobhiwada areas of Karimnagar Town and if that be so, it is for the petitioner to select a suitable premises in accordance with law viz., 2 Kms away from the existing shops. If any such premises is selected by the petitioner 2 Kms away from existing shops, the second respondent is directed to enquire into the matter and pass appropriate orders in accordance with law.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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V. ESWARAIAH, J

Date: 06.03.2007
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